

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA TO BE KNOWN AS THE "PALM BEACH COUNTY EQUAL EMPLOYMENT ORDINANCE;" PROVIDING FOR EQUAL OPPORTUNITY IN EMPLOYMENT; PROVIDING FOR A PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR DESIGNATION OF DUTIES AND POWERS OF THE OFFICE OF EQUAL OPPORTUNITY AND ITS DIRECTOR; PROVIDING FOR THE ESTABLISHMENT OF AN EQUAL EMPLOYMENT BOARD; PROVIDING FOR THE COMPLAINT AND INVESTIGATION PROCEDURES; PROVIDING FOR CONCILIATION PROCEDURES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR ADMINISTRATIVE REMEDIES; PROVIDING FOR APPEAL; PROVIDING FOR UNLAWFUL DISCRIMINATORY PRACTICES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the public policy and the law of the United States of America and the State of Florida and the policy of Palm Beach County to provide for equal opportunity for all persons in all terms and conditions of employment; and

WHEREAS, Palm Beach County is firmly committed to the principles of equal opportunity whereby all persons may fully exercise the right to equal opportunity in employment; and

WHEREAS, Palm Beach County is further committed to abide by and uphold the laws of the United States of America and the State of Florida which prohibit discrimination in employment.

WHEREAS, it is necessary to enact an ordinance prohibiting discrimination in employment in order to qualify as a "706 Agency."

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

ARTICLE I. GENERAL PROVISIONS

SECTION A. SHORT TITLE

This Ordinance shall be known and may be cited as the "Palm Beach County Equal Employment Ordinance."

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SECTION C. PURPOSE

It shall be the policy of the Board of County Commissioners of Palm Beach County, Florida in the exercise of its police power for the public safety, public health, and general welfare to assure, within constitutional limitations, that all persons regardless of race, color, sex, national origin, religion, age or disability, as defined by Title VII of the Civil Rights Act of 1964 as amended, the Civil Rights Act of 1991, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, as amended, the Rehabilitation Act, the Americans With Disabilities Act of 1990 and the Florida Civil Rights Act, be afforded equal opportunity to all terms and conditions of employment. Palm Beach County shall take all necessary and reasonable action to prevent discrimination in employment.

1 SECTION D. DEFINITIONS.

2 In this Ordinance unless the context otherwise requires:

3 1. "Age" provisions contained herein apply to any person at
4 least forty (40) years of age.

5 2. "Aggrieved Person" includes any person that: a) claims to
6 have been injured by a discriminatory practice; or b) believes that
7 he or she will be injured by a discriminatory practice that is
8 about to occur.

9 3. "Auxiliary aids and services" includes, but is not
10 limited to: a) qualified interpreters or other effective methods of
11 making aurally delivered materials available to individuals with
12 hearing impairments; b) qualified readers, taped texts, or other
13 effective methods of making visually delivered materials available
14 to individuals with visual impairments; c) acquisition or
15 modification of equipment or devices; and d) other similar services
16 and actions.

17 4. "Because of sex" or "on the basis of sex" includes, but
18 is not limited to, because of or on the basis of pregnancy,
19 childbirth or related medical conditions; and women affected by
20 pregnancy, childbirth, or related medical conditions shall be
21 treated the same for all employment-related purposes, including
22 receipt of benefits under fringe benefit programs, as other persons
23 not so affected but similar in their ability or inability to work.
24 "Because of sex" or "on the basis of sex" also includes, but is not
25 limited to sexual harassment. Unwelcome sexual advances, requests
26 for sexual favors, and other verbal or physical conduct of a sexual
27 nature constitute sexual harassment when (a) submission to such
28 conduct is made either explicitly or implicitly a term or condition
29 of an individual's employment, (b) submission to or rejection of
30 such conduct by an individual is used as a basis for employment
31 decisions affecting such individual, or (c) such conduct has the
32 purpose or effect of unreasonably interfering with an individual's
33 work performance or creating an intimidating, hostile, or offensive
34 work environment.

35 5. "Board" unless a different meaning clearly appears from

1 the context, means the Palm Beach County Equal Employment Board,
2 created by this Ordinance.

3 6. "Chairperson" or "Chair" means the Chairperson of the
4 Equal Employment Board, or the Chairperson of a panel or committee,
5 as the context may indicate.

6 7. "Complainant" shall mean the person filing a complaint
7 pursuant to this Ordinance.

8 8. "Complaint" means a written statement which alleges the
9 occurrence of a discriminatory practice, and includes an amended
10 complaint.

11 9. "Conciliation" means the attempted resolution of issues
12 raised by a complaint, or by the investigation of such complaint,
13 through informal negotiations involving the complainant, the
14 respondent and the Office of Equal Opportunity.

15 10. "Conciliation agreement" means an agreement entered into
16 between the complainant and respondent resolving the alleged
17 discriminatory practice and which may require respondent to refrain
18 from committing a discriminatory practice or to take affirmative
19 action. The agreement may include consent to the entry of a court
20 decree embodying its terms and shall be subject to approval by the
21 Equal Employment Board.

22 11. "Director" means the director of the Palm Beach County
23 Office of Equal Opportunity.

24 12. "Disability" with respect to an individual, means: a)
25 a physical or mental impairment which substantially limits one or
26 more major life activities; b) a record of such an impairment; or
27 c) being regarded as having such an impairment. Disability does not
28 include current or illegal use of or addiction to a controlled
29 substance (as defined in Section 102 of the Controlled Substances
30 Act (21 USC 802)).

31 13. "Discrimination Classification" means a classification on
32 the basis of race, color, religion, national origin, sex, age or
33 disability.

34 14. "Discrimination Practice" means a practice designated as
35 discriminatory under the terms of this Ordinance.

1 15. "Document" includes, but is not limited to, writings,
2 drawings, graphs, charts, photographs, phono-records and other data
3 or compilations from which information can be obtained.

4 16. "Employee" means any individual employed by, or seeking
5 employment from an employer.

6 17. "Employer" means a person engaged in an industry
7 affecting commerce who has 15 or more employees for each working
8 day in each of four (4) or more calendar weeks in the current or
9 preceding calendar year, and any agent of such person; including,
10 but not limited to, all state and local governments, governmental
11 agencies, and political subdivisions unless opted out. The term
12 does not include the United States, an Indian Tribe, a bona fide
13 private membership club which is exempt from taxation under Section
14 501(c) of Title 26.

15 18. "Employment agency" means any person regularly
16 undertaking, with or without compensation, to procure employees for
17 an employer or to procure for employees opportunities to work for
18 an employer, and includes an agent of such person.

19 19. "Has a record of having such impairment" means has a
20 history of, or has been misclassified as having, a mental or
21 physical impairment that substantially limits one or more major
22 life activities.

23 20. "Is regarded as having an impairment" means: a) has a
24 physical or mental impairment that does not substantially limit one
25 or major life activities, but that is treated by another person as
26 constituting such a limitation; b) has a physical or mental
27 impairment that substantially limits one or more major life
28 activities only as a result of the attitudes of others toward such
29 impairment; or c) has none of the impairments defined as
30 physical/mental impairment, but is treated by another person as
31 having such an impairment.

32 21. "Labor organization" means any organization engaged in an
33 industry affecting commerce, and any agent of such an organization
34 of any kind, any agency, or employee representation committee,
35 group, association, or plan so engaged in which employees

1 participate and which exists for the purpose, whole or in part, of
2 collective bargaining or of dealing with employers, or other mutual
3 aid or protection in connection with employment. Labor
4 organization includes: a) an organization of any kind representing
5 employees in dealing with employers concerning grievances, labor
6 disputes, wages, rates of pay, hours, or other terms and conditions
7 of employment; b) a conference, general committee, system board, or
8 council which is subordinate to a national or international labor
9 organization. A labor organization shall be deemed to be engaged in
10 an industry affecting commerce if it maintains or operates a hiring
11 hall or hiring office which procures employees for an employer or
12 procures for employees opportunities to work for an employer, or
13 the number of its members is fifteen (15), and such labor
14 organization is the certified representative of employees under the
15 provisions of the National Labor Relations Act, as amended, or the
16 Railway Labor Act, as amended.

17 22. "Major life activities" means functions such as caring
18 for one's self, performing manual tasks, walking, seeing, hearing,
19 speaking, breathing, learning and working;

20 23. "National Origin" includes the national origin of an
21 ancestor.

22 24. "Office of Equal Opportunity" or "OEO" means Palm Beach
23 County Office of Equal Opportunity.

24 25. "Party" means any person designated as a party to a
25 proceeding before the Equal Employment Board, pursuant to this
26 Ordinance.

27 26. "Person" includes one or more individuals, associations,
28 corporations, trustees, joint apprenticeship committees, joint-
29 stock companies, partnerships, labor unions, legal representatives,
30 mutual companies, receivers, trusts, trustees in bankruptcy,
31 unincorporated organizations, fiduciaries or any other legal or
32 commercial entity, the state, or any governmental entity or agency
33 in Palm Beach County.

34 27. "Physical or mental impairment" means any: a)
35 physiological disorder or condition, cosmetic disfigurement, or

1 anatomical loss affecting one or more of the following body
2 systems: neurological, musculoskeletal; special sense organs;
3 respiratory, including speech organs; cardiovascular; reproductive;
4 digestive; genito-urinary; hemic and lymphatic; skin and endocrine;
5 or b) any mental or psychological disorder, such as mental
6 retardation, organic brain syndrome, emotional or mental illness,
7 and specific learning disabilities. The term includes, but is not
8 limited to such diseases and conditions as orthopedic, visual,
9 cerebral palsy, multiple sclerosis, cancer, heart diseases, human
10 immunodeficiency virus infection, mental retardation, emotional
11 illness, drug addiction (other than addiction caused by the
12 current, illegal use of a controlled substance) and alcoholism.

13 28. "Qualified individual with a disability", means an
14 individual with a disability who, with or without reasonable
15 accommodation, can perform the essential functions of the
16 employment position that such individual holds or desires. For the
17 purposes of this ordinance, consideration shall be given to the
18 employers's judgement as to what functions of a job are essential,
19 and if an employer has prepared a written description before
20 advertising or interviewing applicants for the job, this
21 description shall be considered evidence of the essential functions
22 of the job.

23 29. "Reasonable Accommodation" may include: a) making
24 existing facilities used by employees readily accessible to and
25 usable by individuals with disabilities; and b) job restructuring,
26 part-time or modified work schedules, reassignment to a vacant
27 position, acquisition or modification of equipment or devices,
28 appropriate adjustment or modifications of examinations, training
29 materials or policies, the provision of qualified readers or
30 interpreters, and other similar accommodations for individuals with
31 disabilities.

32 30. "Religion" means all aspects of religious observance and
33 practice, as well as beliefs, unless an employer demonstrates that
34 he is unable to reasonably accommodate an employee's or prospective
35 employee's religious observance or practice without undue hardship

1 on the conduct of the employer's business.

2 31. "Respondent" shall mean the person or other entity
3 accused in a complaint of a discriminatory practice and any other
4 person or entity identified in the course of the investigation not
5 named as a respondent in the initial complaint who may be joined as
6 an additional or substitute respondent upon written notice.

7 32. "Substantially limited" means likely to experience
8 difficulty in securing, retaining or advancing in employment
9 because of a disability.

10 33. "Training programs" means any plan containing terms and
11 conditions for qualification, recruitment, selection, employment,
12 or training of employees to: a) enter a specific trade or
13 occupation after completion of a specified training program; or b)
14 offer a person already either partially or wholly trained in a
15 specific trade or occupation an opportunity to advance after
16 completion of a specified training program. A training program may
17 be "joint" i.e., managed and supervised by representatives of labor
18 and management or unilateral.

19 34. "Undue hardship" means an action requiring significant
20 difficulty or expense, when considered in light of the following
21 factors: a) the nature and cost of the accommodation needed; b) the
22 overall financial resources of the facility or facilities involved
23 in the provision of the reasonable accommodation; the number of
24 persons employed at such facility; the effect on expenses and
25 resources, or the impact otherwise of such accommodation upon the
26 operation of the facility; c) the overall financial resources of
27 the covered entity; the overall size of the business of a covered
28 entity with respect to the number of its employees; the number,
29 type, and location of its facilities; and d) the type of operations
30 of the covered entity, including the composition, structure, and
31 functions of the workforce of such entity; the geographic
32 separateness, administrative, or fiscal relationship of the
33 facility or facilities in question to the covered entity.

34 34. "Unlawful discriminatory practice" includes only those
35 practices specified in Article IV, Section L herein.

1 **ARTICLE II. OFFICE OF EQUAL OPPORTUNITY**

2 **SECTION A. IN GENERAL**

3 The County Administrator exercising his/her power of
4 appointment shall employ a Director and such other personnel in the
5 Office of Equal Opportunity (OEO) as may be provided for in the
6 budget approved by the Board of County Commissioners and for which
7 an appropriation has been made. The Director and staffing
8 complement shall be referred to as the Office of Equal Opportunity.
9 It shall be the responsibility of the Director and/or the
10 Director's designee to investigate complaints of discrimination
11 prohibited by this Ordinance, and the laws of the United States of
12 America and the State of Florida, and attempt to conciliate and
13 mediate complaints of discrimination, to perform such other duties
14 which will promote and provide for equal opportunity and for
15 enforcement of this Ordinance and the laws of the United States of
16 America and the State of Florida; and to perform such other duties
17 of an administrative nature as may be assigned by the County
18 Administrator.

19 **SECTION B. DUTIES AND POWERS OF THE OFFICE OF EQUAL OPPORTUNITY**

20 The duties, functions, powers and responsibilities of the
21 office shall include the following:

- 22 1. The enforcement of the provisions of this Ordinance
23 and rules and regulations promulgated hereunder.
- 24 2. Publish and disseminate public information and
25 materials relating to equal employment opportunities issues.
- 26 3. Perform such other administrative duties as may be
27 assigned by the county administrator.
- 28 4. To become a referral agency for the State and
29 Federal government and comply with the necessary State and Federal
30 regulations.
- 31 5. To report to the Board of County Commissioners on a
32 quarterly basis the number and types of cases processed or in
33 process.

34 **SECTION C. DUTIES AND POWERS OF THE DIRECTOR**

35 The powers and duties of the Director and/or the Director's

1 designee shall be:

2 1. To investigate and make findings regarding:

3 a. tension or prejudice in relation to all equal
4 employment, involving race, sex, color, religion,
5 national origin, age or disability;

6 b. discrimination against any person by any person
7 with regard to employment on the basis of race, sex,
8 color, religion, national origin, age or disability;

9 2. To attempt to conciliate and mediate complaints of
10 discrimination brought pursuant to this Ordinance.

11 3. To prepare consent agreements embodying any
12 agreement reached by the parties relating to the complaint and to
13 present such agreement to the Equal Employment Board, for the
14 Board's acceptance or rejection.

15 4. To administer oaths, subpoena witnesses, and compel
16 production of evidence pertaining to any investigation authorized
17 by this Ordinance.

18 5. To administratively dismiss complaints pursuant to
19 the provisions of this Ordinance.

20 6. To exercise all powers reasonable and necessary to
21 fulfill the purpose of this Ordinance.

22 **ARTICLE III. EQUAL EMPLOYMENT BOARD**

23 **SECTION A. IN GENERAL**

24 The Equal Employment Board is hereby created and established.
25 This Board is to be composed of nine (9) citizens of Palm Beach
26 County appointed by the Board of County Commissioners to serve
27 staggered terms of two (2) years. The Board shall reflect, to the
28 greatest extent possible, representation from groups identified in
29 this Ordinance and from various types of employment. Members of
30 the Equal Employment Board shall be the same as members of the Fair
31 Housing Board created pursuant to Palm Beach County Ordinance 90-1,
32 as may be amended.

33 **SECTION B. QUALIFICATIONS OF MEMBERS**

34 Members of the Board shall be residents of Palm Beach County,
35 Florida. Seven of the appointments shall be made as district

1 appointments and two of the appointments shall be made at large by
2 the Board of County Commissioners on the basis of community
3 representation, integrity, experience and interest in the area of
4 equal opportunities. Each district appointee may be removed
5 without cause by the appointing Commissioner at any time, and at
6 large appointees may be removed at any time by a vote of the Board
7 of County Commissioners. Members may not be members of more than
8 two other advisory boards appointed by the Board of County
9 Commissioners; however, membership on the Equal Employment Board
10 and the Fair Housing Board shall only be considered to be
11 membership on one advisory board. Members shall be governed by the
12 applicable provisions of the Palm Beach County Code of Ethics,
13 Resolution No. R-94-693, as may be amended. Abstention from voting
14 due to a conflict of interest on more than three separate matters
15 during a calendar year shall result in automatic removal.

16 SECTION C. TERMS OF OFFICE

17 In order that the terms of office of all members of the Board
18 shall not expire at the same time, the initial appointments to the
19 Board shall be made as follows:

20 1. All current members of the Fair Housing Board as
21 established by Palm Beach County Ordinance No. 90-1 shall be made
22 members of the Equal Employment Board provided that each member
23 agrees to the appointment. All members shall serve the remainder
24 of their respective terms on the Fair Housing Board.

25 2. Any members of the Fair Housing Board who elect not to be
26 members of the Equal Opportunity Board shall be replaced by
27 appointments made at large by the Board of County Commissioners in
28 the same manner as other vacancies are filled and are to serve for
29 the unexpired portion of the term.

30 3. The two (2) additional members needed to complete the
31 Equal Opportunity Board shall be appointed at-large by the Board of
32 County Commissioners for a term of one (1) year.

33 Thereafter, all appointments shall be for a term of two (2)
34 years as provided above. Appointments to fill vacancies on the
35 Board shall be for the remainder of the unexpired term.

1 **SECTION D. ATTENDANCE**

2 Members shall be automatically removed for lack of attendance.
3 Lack of attendance is defined as failure to attend three (3)
4 consecutive meetings or failure to attend more than one-half of the
5 meetings scheduled during a calendar year. Participation for less
6 than three-fourths of a meeting shall constitute lack of
7 attendance. Excused absences due to illness, absence from the
8 County, or personal hardship, if approved by vote of the Equal
9 Employment Board, shall not constitute lack of attendance. Excused
10 absences shall be entered into the minutes at the next regularly
11 scheduled meeting of the Equal Employment Board. Members removed
12 under this section shall not continue to serve until a new
13 appointment is made and removal shall create a vacancy.

14 **SECTION E. ORGANIZATION OF THE BOARD**

15 1. The members of the Board shall elect a Chairperson and
16 Vice Chairperson by a majority vote of the Board and such officers
17 shall serve for a term of one (1) year. The Chairperson shall have
18 the following duties:

- 19 a. Schedule all Board meetings and set agenda for the
20 same;
21 b. Preside at Board meetings;
22 c. Sign subpoenas;
23 d. Appoint and define the role of such committees as
24 are necessary or expedient to advise the Board, the Director
25 of the Office of Equal Opportunity and the Board of County
26 Commissioners; and
27 e. Perform such other functions as the Board may assign
28 by rule of order.

29 The Vice-chairperson shall perform the duties of the
30 Chairperson in the Chairperson's absence and such other duties as
31 the Chairperson may assign.

32 2. If a vacancy occurs in the Office of Chairperson, the
33 Vice-Chairperson shall become the Chairperson for the unexpired
34 term of the Chairperson. If a vacancy occurs in the office of
35 Vice-Chairperson the Board will elect another member to fill the

1 unexpired term of the Vice-Chairperson.

2 3. Three (3) members of the Board shall constitute a hearing
3 panel for the purposes of hearing discrimination complaints. A
4 majority of the members appointed shall constitute a quorum to hold
5 a meeting for any other purpose. The majority vote of those
6 present at a duly constituted meeting shall be sufficient for all
7 actions.

8 4. Members shall serve without compensation. Travel
9 reimbursement is limited to expenses incurred only for travel
10 outside Palm Beach County necessary to fulfill board member
11 responsibilities when sufficient funds are budgeted and available,
12 and upon prior approval of the Board of County Commissioners.

13 SECTION F. MEETINGS OF THE BOARD

14 Meetings of the Board shall be held on a regular basis to hear
15 and dispose of pending matters. Notice of the time and place of
16 meetings shall be given to all Board members, all parties scheduled
17 to be heard, and shall be made public. The meetings shall be
18 governed by Roberts Rules of Order. The Chairperson may call an
19 unscheduled meeting of the Board, upon not less than 24 hours
20 notice, and meetings may also be called by the Director upon the
21 written request of three (3) members of the Board. All meetings
22 shall be public, except where prohibited by law. The County
23 Administrator shall provide a regular meeting place for the Board,
24 and shall provide such staff as may reasonably be required to
25 assist the Board in the performance of its duties.

26 SECTION G. OBJECTIVES

27 The objective of the Board shall be:

28 1. To promote and encourage fair treatment and equal
29 opportunity in employment for all persons regardless of race, sex,
30 color, religion, national origin, age or disability, to promote and
31 encourage mutual understanding and respect among such persons and
32 to endeavor to eliminate employment discrimination against and
33 antagonism between such persons.

34 2. To cooperate with governmental and non-governmental
35 agencies and organizations having like or kindred functions.

1 3. To make such investigation and studies in the field of
2 employment as in its judgment will aid in effecting its general
3 purposes.

4 4. To assist various groups and agencies of the community to
5 cooperate in educational programs and campaigns, devoted to the
6 elimination of discrimination in employment.

7 5. To aid in permitting Palm Beach County to benefit from
8 the fullest realization of its equal employment resources.

9 6. To recommend to the Board of County Commissioners the
10 acceptance of certain grants and contracts from foundations and
11 other sources for the purpose of carrying out the purposes of this
12 Ordinance.

13 7. To recommend to the Board of County Commissioners methods
14 for elimination of discrimination and intergroup tensions.

15 8. The objectives set forth above are not to be construed as
16 duties and the Board of County Commissioners shall have the
17 discretion to determine when each objective is implemented.

18 SECTION H. POWERS AND DUTIES

19 The powers and duties of the Board shall be:

20 1. To refer or accept referral of complaints when
21 appropriate and to cause, through the Office of Equal Opportunity,
22 investigations of:

23 a. tension of prejudice in relation to all
24 employment matters involving race, sex, color, religion,
25 national origin, age or disability.

26 b. discrimination against any person by any person
27 with regard to employment matters on the basis of race,
28 sex, color, religion, national origin, age or disability.

29 2. To propose reasonable rules and regulations as are
30 necessary to effectuate the policies of this Ordinance and govern
31 the proceedings of the Board. Such rules and regulations shall
32 become effective upon approval by the Board of County
33 Commissioners.

34 3. To receive, initiate, seek to conciliate, hold hearings
35 upon and adjudicate complaints alleging violation of this

1 Ordinance; to recommend methods and alternatives for eliminating
2 injustices occasioned thereby; to carry out and enforce the purpose
3 of this Ordinance.

4 4. To administer oaths, subpoena witnesses, and compel
5 production of evidence pertaining to any hearing convened pursuant
6 to the powers and duties authorized by this Ordinance.

7 5. To subpoena witnesses and compel production of evidence
8 requested by the Office of Equal Opportunity relating to an
9 investigation being conducted pursuant to this Ordinance.

10 6. Meet and exercise its power in any place within Palm
11 Beach County.

12 7. To issue remedial orders prohibiting violations of this
13 Ordinance and providing affirmative relief from the effects of the
14 violations as specified in Article IV, Section L.

15 8. Prepare, adopt and present an Annual Report to the Board
16 of County Commissioners.

17 ARTICLE IV. EQUAL EMPLOYMENT

18 SECTION A. FILING OF COMPLAINTS ALLEGING DISCRIMINATION IN
19 EMPLOYMENT

20
21 1. A complaint that any person has engaged in or is engaging
22 in an unlawful employment practice within the meaning of this
23 Ordinance may be made by or on behalf of any person claiming to be
24 aggrieved within 180 days of the alleged discriminatory act.

25 a. Any person who claims to have been injured by an
26 unlawful discriminatory practice must file a sworn written
27 complaint with the Office of Equal Opportunity which shall
28 state the name and address of the complainant and the person
29 or persons against whom the complaint is made.

30 b. A complaint on behalf of a person claiming to be
31 aggrieved may be made by any person, agency or organization.

32 c. A complaint shall be in writing, signed by the
33 complainant and verified by the Director of the Office of
34 Equal Opportunity or the Director's designee. Each complaint
35 should contain the following information:

36 i. the full name and address and telephone number
37 of the person making the complaint except in cases where

1 the complaint is being made on behalf of another person;
2 ii. the full name and address of the person against
3 whom the complaint is made; and
4 iii. a general description of the action or
5 practices complained of.

6 2. A complaint may be filed by the Director of the Office of
7 Equal Opportunity, with the approval of the Board.

8 3. Intake of complaints may be done in person, by telephone
9 or by mail at the Office of Equal Opportunity, any satellite office
10 of the Office of Equal Opportunity or with any representative of
11 the Office of Equal Opportunity.

12 4. Complaints may be amended to cure technical defects,
13 omissions, or to clarify and amplify allegations. Amendments
14 alleging additional acts which constitute unlawful practices
15 related to or growing out of the subject matter of the original
16 complaint will relate back to the date the complaint was first
17 received.

18 SECTION B. NOTICE OF COMPLAINTS

19 Upon the filing of a complaint, the Director shall serve
20 notice upon the aggrieved person acknowledging such filing and
21 advising the aggrieved person of the time limits and choice of
22 forums provided under this Ordinance. The Director or the
23 Director's designee shall, not later than ten (10) days after such
24 filing or the identification of an additional respondent, serve on
25 the respondent a notice, by registered or certified mail,
26 identifying the alleged discriminatory employment practice and
27 advising such respondent of the procedural rights and obligations
28 or respondents under this Ordinance, together with a copy of the
29 original complaint. The respondent may file a sworn written answer
30 to the complaint within ten (10) days of the receipt of the
31 complaint. Failure to file an answer by the respondent shall not
32 result in any presumption of admission to the allegations in the
33 complaint. Any subsequent amendment to the complaint or answer
34 thereto shall be served by U.S. Mail.

1 SECTION C. PROCESSING COMPLAINTS

2 Within 100 days of the filing of a complaint as set forth in
3 Article V, Section A the staff of the Office of Equal Opportunity
4 shall make such investigation as the Director or the Board deems
5 appropriate to ascertain facts and issues. If the Office of Equal
6 Opportunity is unable to complete the investigation within 100 days
7 after the filing of the complaint, they shall notify the
8 complainant and the respondent in writing of the reasons for not
9 doing so. In conducting an investigation to ascertain whether or
10 not there has been a violation of this Ordinance, the Director
11 and/or the Director's designee shall have access at all reasonable
12 times to premises, record the testimony or statements of such
13 persons as are reasonably necessary for the furtherance of the
14 investigation providing that the Office of Equal Opportunity
15 complies with the provisions of the Federal and State constitutions
16 relating to unreasonable searches and seizures. The Director,
17 Chairperson, Vice Chairperson or any other member of the Equal
18 Employment Board may issue subpoenas to compel access to, or the
19 production of, such materials, or the appearance of such persons,
20 and may issue interrogatories to a respondent to the same extent
21 and subject to the same limitations as would apply if the subpoenas
22 or interrogatories were issued or served in aid of a civil action
23 in court. In the case of a refusal to obey a subpoena issued to
24 any person, or refusal to comply with any method of discovery
25 authorized in the Florida Rules of Civil Procedure the Board and/or
26 the Director shall request the County Attorney to make application
27 to the appropriate Court to order the witness to comply with the
28 request for discovery, or to appear before the Board and to produce
29 evidence, if so requested, or to give testimony concerning the
30 matter in question. The Director and/or the Board may administer
31 oaths. If the complaint is not settled within 100 days of the
32 filing of the complaint, and if the Director shall determine that
33 there are reasonable grounds to believe an unlawful discriminatory
34 practice has occurred and is appropriate for conciliation, then the
35 Director and/or the Director's designee shall attempt to conciliate

1 the matter pursuant to Article V, Section I of this Ordinance.

2 **SECTION D. WITHDRAWAL OF COMPLAINT**

3 A complaint filed pursuant to this Ordinance may be withdrawn
4 at any time by the complaining party upon notifying the Office of
5 Equal Opportunity; however, the Director may continue action
6 against the Respondent if the facts establish reasonable grounds to
7 support a finding of discrimination and the Board approves such
8 further action.

9 **SECTION E. PRESERVATION OF RECORDS**

10 Following service of the complaint in the manner provided
11 herein, the Respondent shall preserve all personnel records,
12 payroll records or any other written or documentary material
13 relating to the complaint until the complaint has been resolved.

14 **SECTION F. ADMINISTRATIVE DISMISSAL OF COMPLAINT**

15 1. Any complaint filed pursuant to this Ordinance shall be
16 dismissed by the Director upon the following grounds:

17 a. The complainant has failed or refused to
18 cooperate or the complainant cannot be located after
19 reasonable efforts to do so have been made and after
20 twenty (20) days notice to the complainant by mail to the
21 complainant's last known address the complainant has
22 failed to duly respond.

23 b. The complainant has not been timely filed with
24 the Board or the Office of Equal Opportunity.

25 c. The complainant refuses to accept full remedy
26 when there is a settlement negotiation prior to a finding
27 being issued.

28 d. The complainant and respondent have entered
29 into a separate independent settlement agreement
30 regarding the subject matter of the complaint..

31 e. The complainant withdraws the complaint.

32 2. In the event that any other agency of the state or of any
33 other unit of government of the State has jurisdiction of the
34 subject matter of any complaint filed with the Office of Equal
35 Opportunity and has legal authority to investigate or act upon the

1 complaint, the Office of Equal Opportunity may refer such complaint
2 to such agency. Referral of such a complaint by the Office of
3 Equal Opportunity shall not constitute agency action within the
4 meaning of Florida Statute Section 120.52(2). In the event of any
5 referral under this subsection, the Office of Equal Opportunity
6 shall accord substantial weight to final findings and orders of any
7 such agency.

8 **SECTION G. INVESTIGATION PROCEDURES**

9 After a complaint has been filed, the Office of Equal
10 Opportunity shall conduct an investigation. The Office of Equal
11 Opportunity may utilize the services and information gathered from
12 other public agencies charged with the administration of equal
13 opportunity laws. The following procedures shall be followed:

14 1. Requests for Information. In conducting an investigation
15 the Director and/or the Director's designee shall have access at
16 all reasonable times to premises, records, documents, individuals,
17 and other evidence or possible sources of evidence and may examine,
18 record the testimony or statements of such persons as are
19 reasonably necessary for the furtherance of the investigation
20 providing that the Director and/or the Director's designee complies
21 with the provisions of the Federal and State constitutions relating
22 to unreasonable searches and seizures. The Director and/or the
23 Director's designee may obtain information by:

- 24 a. Oral interview; and/or
25 b. Requests for written statement or affidavit; or
26 c. Any discovery methods set forth in the Florida

27 Rules of Civil Procedure.

28 2. Access to Files during Investigation. Information
29 obtained during the investigation of a complaint shall be disclosed
30 only to the complainant, the respondent, or their authorized
31 representative, or to witnesses, only when disclosure is deemed
32 necessary by the Director for the investigation or for securing
33 appropriate disposition of the complaint. The Director may direct
34 that a particular record, document or portion thereof be withheld
35 from inspection by a party only when necessary for the protection

1 of a witness or third party, or for the preservation of a trade
2 secret and only in accordance with the provisions of the Florida
3 Public Records Law and/or the Federal Privacy Act.

4 **SECTION H. DETERMINATION OF REASONABLE GROUNDS; NOTICE**

5 1. Upon completion of an investigation, if a complaint has
6 not been settled or withdrawn, the Director and/or the Director's
7 designee shall make a determination as to whether there is
8 reasonable grounds to believe that an unlawful discriminatory
9 practice has occurred. The Director and/or the Director's designee
10 shall report the results of the investigation and his/her
11 determination to the Board and advise the Board that a Notice of
12 Determination shall be served upon the complainant and respondent.
13 The Board shall receive a copy of the Notice of Determination.

14 2. A Notice of Determination of Reasonable Grounds shall
15 include an invitation to participate in conciliation.

16 3. After service of a Notice of Determination, the parties
17 named in the Determination may inspect the records and documents,
18 in the custody of the Office of Equal Opportunity, which pertain to
19 the determination. The Director may direct that a particular
20 record, document or portion thereof be withheld from inspection by
21 a party only when necessary for the protection of a witness or
22 third party, or for the preservation of a trade secret and only in
23 accordance with the provisions of the Florida Public Records Law
24 and the federal Privacy Act.

25 **SECTION I. DETERMINATION OF REASONABLE GROUNDS; CONCILIATION**
26 **PROCEDURE**

27 1. After service of a Notice of Determination of Reasonable
28 Grounds the Office of Equal Opportunity shall endeavor to eliminate
29 any unlawful discriminatory practice by informal methods of
30 conference, conciliation and persuasion. The Office of Equal
31 Opportunity shall attempt to achieve a just resolution of all
32 violations found, and to obtain agreement that the respondent will
33 eliminate the unlawful practice and provide appropriate affirmative
34 relief. Where such conciliation attempts are successful, the terms
35 of the consent agreement shall be reduced to writing and signed by

1 the complainant, the respondent and the Director. The original of
2 the signed agreement shall be filed with the Director, and copies
3 shall be served upon the respondent, complainant and the Board.
4 The Board shall, at its next regularly scheduled meeting, approve
5 the agreement.

6 2. When a consent agreement has not been signed, and the
7 complaint has not been withdrawn or dismissed, the Director shall
8 serve a Notice of Failure of Conciliation upon the complainant,
9 respondent and the Board not less than thirty (30) days after the
10 service of a Notice of Determination of Reasonable Grounds. Within
11 thirty (30) days after the service of the Notice of Failure of
12 Conciliation, the complainant may request an administrative hearing
13 before the Board and the Board shall schedule such a hearing within
14 thirty (30) days of such a request.

15 3. Nothing said or done in the course of the conciliation
16 process may be made public or used as evidence in subsequent
17 proceedings under Article IV, Section K without the written consent
18 of the persons concerned. Any employee of the Office of Equal
19 Opportunity who violates this section shall be prosecuted in the
20 same manner as a misdemeanor of the second degree, punishable as
21 provided in Florida Statutes Chapter 775.

22 SECTION J. ADMINISTRATIVE REMEDIES

23 1. If the Director is unable to obtain voluntary compliance
24 with this Ordinance and has reasonable cause to believe that a
25 discriminatory practice has occurred, the Director may institute an
26 administrative proceeding before the Equal Employment Board on any
27 Director initiated complaint.

28 2. The complainant may request an administrative proceeding
29 before the Equal Employment Board within thirty (30) days after
30 receiving Notice of Failure of Conciliation.

31 3. In conducting an administrative hearing to ascertain
32 whether or not there has been a violation of this Ordinance, the
33 Board shall have the power to administer oaths, issue subpoenas,
34 compel the production of books, papers and other documents and
35 receive evidence. The Board shall conduct the administrative

1 hearing in accordance with the procedure provided in Sections
2 120.57(1) and 120.58, Florida Statutes.

3 4. All recommended orders prepared by the Board as a result
4 of such hearing or hearings shall conform with the requirements for
5 such orders as set out in Section 120.59, Florida Statutes.

6 5. The Board shall serve a copy of the order on each party
7 to the administrative proceedings. The recommended order shall be
8 considered as the final order of the Board for the purposes of
9 proceeding further under this section.

10 6. Either party to such administrative proceedings shall
11 have the right to appeal the administrative order described herein
12 by filing notice of appeal pursuant to Florida Appellate Rule
13 9.110(2) within thirty (30) days of the issuance of such order by
14 the Board. Any party shall have the right to bring an action in
15 the appropriate Court to insure compliance with this Order.

16 7. In the case of a refusal to obey a subpoena issued by the
17 Board, the County or the person at whose request it was issued may,
18 in addition to any other remedies made available, petition for its
19 enforcement in the appropriate court.

20 8. Should any party fail or refuse to comply with the final
21 order issued or breach a conciliation agreement as provided herein,
22 then following the expiration of the appeal time provided herein,
23 the Board shall forward such order or conciliation agreement to the
24 Board of County Commissioners with a request that the Board of
25 County Commissioners authorize the County Attorney to bring such
26 action or actions as necessary to obtain compliance with this
27 Ordinance.

28 9. When an act is required or allowed to be done at or
29 within a specified time by this section, for cause shown, the
30 Board, in its discretion, and upon the written request of a party,
31 may order the period enlarged unless otherwise prohibited by law.

32 10. All written motions upon which a ruling is requested
33 shall be filed with the Office of Equal Opportunity at least three
34 working days prior to the hearing date established by the Board.
35 Such motions shall be considered and ruled upon by the Board prior

1 to the start of the hearing.

2 11. All motions and orders thereon shall be made a part of
3 the record of such administrative proceedings.

4 12. No appeal may be made from rulings on such motions until
5 a final order has been issued.

6 13. If there are separately filed cases before the Board
7 which involve similar issues of law and fact and identity of
8 parties, then such cases may be consolidated by the Director for
9 hearing before the Board.

10 14. Discovery shall be permitted and shall proceed in the
11 manner provided by the Florida Rules of Civil Procedure.

12 15. The Board may order a pre-hearing conference prior to any
13 administrative hearing. Prior to such conference the Board may
14 direct that the parties submit a pre-conference statement
15 addressing the issues of law and fact that will be involved in such
16 hearing, identifying the witnesses that will testify, providing
17 such other information as requested by the Board.

18 16. The Director shall set the time and place of any
19 administrative hearing. The Director shall serve notice by
20 certified mail of such hearing on the parties no later than
21 fourteen (14) calendar days prior to the final hearing. Such
22 notice requirement may be waived with the written consent of all
23 parties. The notice shall also contain:

24 a. A statement of the nature of the hearing.

25 b. A statement of the legal authority and jurisdiction
26 under which the hearing is to be held.

27 c. A reference to the statutes, Ordinance and rules
28 involved.

29 17. Requests for subpoenas by the complainant or respondent
30 in any administrative proceeding shall be filed with the Office of
31 Equal Opportunity and forwarded to the Board. Such requests shall
32 set forth the name and address of the person whose attendance is
33 requested and shall describe with particularity any material to be
34 produced. Such subpoenas shall be issued by the Board or the
35 Director. The requesting party shall be responsible for service of

1 any subpoena.

2 18. A subpoena shall be subject to a motion to quash or a
3 motion for protective order before the appropriate Court.

4 19. The official transcript of a hearing shall be preserved
5 by tape recording or by a court reporter.

6 20. Should a party elect to provide a court reporter for a
7 hearing, that party shall be responsible for entire payment of the
8 reporter's fee.

9 21. If the Equal Employment Board finds that a discriminatory
10 practice has occurred, it shall issue an order prohibiting the
11 practice and awarding affirmative relief from the effects of the
12 practice, including actual damages and reasonable attorney's fees
13 and costs. Actual damages may include back pay, except liability
14 for back pay shall not accrue from a date more than two (2) years
15 prior to the filing of a complaint under the Ordinance.

16 22. To vindicate the public interest, the Equal Employment
17 Board, may assess a civil penalty against the respondent in an
18 amount not to exceed \$500. Funds recovered under this section
19 shall be paid to the Board of County Commissioner's general fund.

20 **SECTION K. ENFORCEMENT BY PRIVATE PERSONS**

21 1. A person may also commence a civil action in any court of
22 competent jurisdiction against the named employer, employment
23 agency, labor organization, joint labor-management committee or
24 person no later than one (1) year after the date of determination
25 of reasonable cause by the Office of Equal Opportunity. The
26 commencement of such action shall divest the Office of Equal
27 Opportunity of jurisdiction of such complaint, except that the
28 Office of Equal Opportunity may intervene as a matter of right.

29 2. Nothing in this Ordinance shall be construed to waive the
30 right of any person to file a charge with any other agency with the
31 legal authority to investigate or act upon the complaint. The
32 commencement of such action shall divest the Office of Equal
33 Opportunity of jurisdiction of such complaint.

34 3. If the Court finds that a discriminatory practice has
35 occurred, it may issue an order prohibiting the discriminatory

1 practice and providing affirmative relief from the effects of the
2 practice, actual and punitive damage, and reasonable attorney's
3 fees and costs. Actual damages may include back pay, except
4 liability for back pay shall not accrue from a date more than two
5 (2) years prior to the filing of a complaint under this Ordinance.
6 It is intended that any award of attorneys fees be interpreted in
7 a manner consistent with federal case law, involving a Title VII
8 action. The right to trial by jury is preserved in any such
9 private right of action in which the aggrieved person is seeking
10 compensatory or punitive damages, and any party may demand a trial
11 by jury.

12 **SECTION L. UNLAWFUL EMPLOYMENT PRACTICES**

13 1. It is an unlawful employment practice for an employer:

14 a. To discharge or to fail or refuse to hire any
15 individual, or otherwise to discriminate against any individual
16 with respect to compensation, terms, conditions, or privileges of
17 employment, because of such individual's race, color, religion,
18 sex, national origin, age or disability.

19 b. To limit, segregate, or classify employees or
20 applicants for employment in any way which would deprive or tend to
21 deprive any individual of employment opportunities, or adversely
22 affect any individual's status as an employee, because of such
23 individual's race, color, religion, sex, national origin, age or
24 disability.

25 2. It is an unlawful employment practice for an employment
26 agency to fail or refuse to refer for employment, or otherwise to
27 discriminate against, any individual because of race, color,
28 religion, sex, national origin, age or disability or to classify or
29 refer for employment any individual on the basis of race, color,
30 religion, sex, national origin, age or disability.

31 3. It is an unlawful employment practice for a labor
32 organization:

33 a. To exclude or to expel from its membership, or
34 otherwise to discriminate against, any individual because of race,
35 color, religion, sex, national origin, age or disability.

1 b. To limit segregate, or classify its membership or
2 applicants for membership, or to classify or fail or refuse to
3 refer for employment any individual, in any way which would deprive
4 or tend to deprive any individual of employment opportunities, or
5 adversely affect any individual's status as an employee or as an
6 applicant for employment, because of such individual's race, color,
7 religion, sex, national origin, age or disability.

8 c. To cause or attempt to cause an employer to
9 discriminate against an individual in violation of this Ordinance.

10 4. It is an unlawful employment practice for any employer,
11 labor organization, or joint labor-management committee controlling
12 apprenticeship or other training or retraining, including on-the-
13 job training programs, to discriminate against any individual
14 because of race, color, religion, sex, national origin, age or
15 disability or in admission to, or employment in, any program
16 established to provide apprenticeship or other training.

17 5. Whenever, in order to engage in a profession, occupation,
18 or trade, it is required that a person receive a license,
19 certification, or other credential, become a member of an
20 association of any club, association, or other organization, or
21 pass any examination, it is an unlawful employment practice for any
22 person to discriminate against any other person seeking such
23 license, certification, or other credential, seeking to become a
24 member or associate of such club, association or other
25 organization, or seeking to take or pass such examination, because
26 of such other person's race, color, religion, sex, national origin,
27 age or disability.

28 6. It is an unlawful employment practice for an employer,
29 labor organization, employment agency, or joint labor-management
30 committee to print or cause to be printed or published, any notice
31 or advertisement relating to employment, membership, certification,
32 referral for employment, or apprenticeship or other training,
33 indicating any preference, limitation, specification, or
34 discrimination based on race, color, religion, sex, national
35 origin, age or absence of disability.

1 7. It is an unlawful employment practice for an employer,
2 employment agency, a joint labor-management committee, or labor
3 organization to discriminate against any person because that person
4 has made a charge, testified, assisted, or participated in any
5 manner in an investigation, proceeding or hearing under this
6 Ordinance.

7 8. Intimidate, coerce, threaten or interfere with any person
8 in the exercise or enjoyment of, or on account of their having
9 exercised or enjoyed, or on account of their having aided or
10 encouraged any other person in the exercise or enjoyment of, any
11 right granted or protected by this Ordinance.

12 9. Retaliate or discriminate in any manner against a person
13 who has opposed a practice declared discriminatory by this
14 Ordinance, or who has filed a complaint, testified, assisted or
15 participated in any manner in any investigation, proceeding,
16 hearing or conference under this Ordinance.

17 10. Aid, abet, incite, compel or coerce any person to engage
18 in any of the practices prohibited by this Ordinance; or to
19 obstruct or prevent any person from complying with the provision of
20 this Ordinance; or any order issued thereunder.

21 11. Resist, prevent, impede or interfere with the Board or
22 any of its members or representatives in the lawful performance of
23 its or their duty under this Ordinance.

24 12. Initiate maliciously, frivolously or in bad faith any
25 charge under the provisions of this Ordinance for the purpose of
26 harassment.

27 **SECTION M. LIMITATIONS AND EXCEPTIONS - EMPLOYMENT**

28 Notwithstanding any other provision of this Article, it is not
29 an unlawful employment practice for an employer, employment agency,
30 labor organization, or joint labor-management committee to:

31 1. Take or fail to take any action on the basis of religion,
32 sex or national origin in those certain instances in which
33 religion, sex or national origin is a bona fide occupational
34 qualification reasonably necessary for the performance of the
35 particular employment to which such action or inaction is related.

1 2. Observe the terms of a bona fide seniority system, a bona
2 fide employee benefit plan such as a retirement, pension, or
3 insurance plan, or a system which measures earnings by quantity or
4 quality or production, which is not designed, intended, or used to
5 evade the purposes of Title VII of the Civil Rights Act of 1964, as
6 amended, the Civil Rights Act of 1991, the Equal Pay Act of 1963,
7 the Rehabilitation Act, the Americans with Disabilities Act of
8 1990, or the Florida Civil Rights Act. However, no such employee
9 benefit plan or system which measures earnings shall excuse the
10 involuntary retirement of, any individual on the basis of any
11 factor not related to the ability of such individual to perform the
12 particular employment for which such individual is engaged. This
13 subsection shall not be construed to make unlawful the rejection or
14 termination of employment when the individual applicant or employee
15 has failed to meet bona fide requirements for the job or position
16 sought or held or to require any changes in bona fide retirement or
17 pension programs or existing collective bargaining agreements
18 during the life of the contract, nor shall this Ordinance preclude
19 such physical and medical examinations of all employees or persons
20 offered employment to determine fitness for the job or position
21 held or offered.

22 ARTICLE V. INCLUSION IN CODE

23 It is the intention of the Board of County Commissioners, and
24 it is hereby ordained, that the provisions of this Ordinance shall
25 become and be made a part of the Code of Laws and Ordinances of
26 Palm Beach County, Florida; that the sections of this Ordinance may
27 be renumbered or relettered to accomplish such intentions; and that
28 the word "Ordinance" may be changed to "section", "article", or
29 other appropriate words.

30 ARTICLE VI. APPLICABILITY

31 It is hereby provided that this Ordinance shall constitute a
32 uniform law applicable in all the unincorporated and incorporated
33 areas of Palm Beach County, Florida, to the extent permitted by the
34 Florida Constitution, Article VIII, Section I.

35 ARTICLE VII. REPEALING LAWS IN CONFLICT

1 All special laws applying to and within this County and
2 general laws applying only to this County, and any general law
3 which the Board of County Commissioners is specifically authorized
4 by Article VIII of the Florida Constitution, to supersede, nullify
5 or amend, or any part of such Ordinances, resolutions or laws, in
6 conflict with any provision of this Ordinance are hereby repealed.

7 ARTICLE VIII. SEVERABILITY

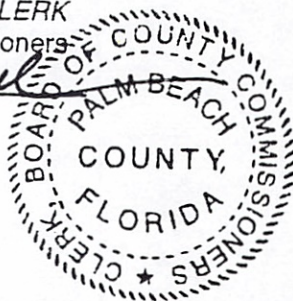
8 In any article, section, sub section, sentence, clause, or
9 provision of this Ordinance is held invalid, the remainder of this
10 Ordinance shall not be affected by such invalidity.

11 ARTICLE IX. EFFECTIVE DATE

12 The provisions of this Ordinance shall become effective upon
13 receipt of official acknowledgement from the Florida Department of
14 State that this Ordinance has been filed with the Department.

15 Approved and adopted by the Board of County Commissioners of
16 Palm Beach County, Florida, this 15th day of August,
17 1995.

18 DOROTHY H. WILKEN, CLERK
19 Board of County Commissioners
20 *Barbara A. Wilken*
21 DEPUTY CLERK



BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA

22 By: *[Signature]*
23 Chairman

24 Acknowledged by the Department of State of the State of
25 Florida, on this 25th day of August, 1995, and filed
26 in the office of the Clerk of the Board of County Commissioners.

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35 APPROVED AS TO FORM
36 AND LEGAL SUFFICIENCY

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39 By: *[Signature]*
40 County Attorney

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 8/15/95

DATED at West Palm Beach, FL on 9/6/95
DOROTHY H. WILKEN, Clerk

By: *[Signature]* D.C.

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July 24, 1995